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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,830	04/21/1999	HANS HEINLE	1-21294	7634

4859 7590 07/18/2003

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/295,830

Applicant(s)

HEINLE ET AL.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/21/99 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 10, 2003 has been entered.

Newly added claims 29-42 are pending, claims 1-28 now all being canceled.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vehicle mounted support portion having an air-permeable portion (claim 42) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 29 is objected to because of the following informalities: in line 5, it appears as though "indicators" should be --radiators--. Appropriate correction is required. For the purpose of this office action, it is assumed that dependent claims reciting radiators would be provided with a clear antecedent basis under the assumption that applicant has written "indicators" where --radiators--was intended. If this is not correct, applicant is invited to provide clarification.

Further, please note claim 31 (and similarly in claims 32, 33, 38, 39 and 40), however, which refers specifically to 'said plurality of radiators' while the claims from which these claims depend do not explicitly recite 'a plurality...'

Claim Rejections - 35 USC § 112

4. Claim 42 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 42, at lines 2-3 refers to the support as including an air permeable plate. The specification as originally filed fails to provide support for this limitation. See page 4, lines 3-7, for example, where the support portion (including element 1a) is discussed, however no mention is made of

this plate being air-permeable. The drawings similarly fail to clearly show a plate associated with the support element, which is air-permeable.

5. Claims 31 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims appear to contradict the base claim from which they depend. Claim 31 refers to the chamber as being completely enclosed by the plurality of radiators, while claim 29 recites that the sides of the chamber additionally include at least an air permeable plate. Similarly in claim 38, the recitation of the plurality of radiators completely enclosing the chamber appears to contradict claim 36 which refers to the chamber enclosure as being accomplished by radiators (or plates) and the lower portion of the support (note claim 36, lines 6+).

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 29-32, 34-39 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Liebherr-Werk (DE 295 04 867, cited previously by applicant). Liebherr-Werk teaches a radiator arrangement for a vehicle (22) including at least three air-permeable radiators (11, 12, 13) defining three non-parallel sides of a chamber (none of 11, 12 and 13 being parallel with respect to one another), and a fan (6) supported on a fourth air permeable member in the form of a plate (4), the fan attached to the outside of the chamber, the chamber defined on at least one side by a further non-air-permeable support plate (2, 3) which includes upstanding brackets (7, 8) to which radiators are removably mounted (note figures 4, 5), forming a substantially complete enclosure when all are mounted, as best understood.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liebherr-Werk (cited above). The reference to Liebherr-Werk is discussed above and fails to teach the flat portion of the support (e.g., 2 or 3) as being air permeable. It is very old and well known to adjust the air flow through and element by adjusting the opening through which air may pass, and in this case, It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an opening in one plate portion of the support, making the support portion

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air permeable to the extent claimed, for the purpose of increasing the air flow through the fan and air-permeable plate (4) without changing the configuration of the radiator elements.

10. Claims 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebherr-Werk in view of Cambeis (DE 24,065, cited previously). The reference of Liebherr-Werk is discussed above and fails to teach at least one radiator being pivotally connected in order to provide access. Cambeis teaches a vehicle wherein a radiator (3) is provided with a swivel or pivot mount (5) in order to allow access to a further component, in this case the engine (1). It would have been obvious to one of ordinary skill in the art at the time of the invention to make at least one radiator of the arrangement of Liebherr-Werk pivotally mounted as taught by Cambeis for the purpose of providing access to the chamber.

Response to Amendment

11. Applicant's comments concerning the claim amendment have been considered. In the instant case, the examiner does not agree that the newly submitted claims are allowable over the prior art in view of the rejections set forth above.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

703-305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should
be clearly labeled 'UNOFFICIAL' or 'DRAFT').

The Office has also established electronic fax servers for T.C. 3600:

703-872-9326 (Official communications)
703-872 9327 (Official After-Final communications)
703-872-9325 (Customer Service)

F. VANAMAN
Primary Examiner
Art Unit 3618



7/14/03